

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

Derrick Hammonds,

Plaintiff,

vs.

National Credit Adjusters, LLC,

Defendant.

Case No.:

**COMPLAINT**

**JURY TRIAL DEMANDED**

NOW COMES the Plaintiff, DERRICK HAMMONDS, by and through his counsel, and for his Complaint pleads as follows:

**JURISDICTION**

1. This court has jurisdiction under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692k(d) and 28 U.S.C. §§ 1331, 1337.

**VENUE**

2. The transactions and occurrences which give rise to this action occurred in Covington, Georgia.

3. Venue is proper in the Northern District of Georgia.

**PARTIES**

4. Plaintiff is a natural person residing in Covington, Georgia.

5. Defendant is a foreign limited liability company that conducts business in the State of Georgia.

### **GENERAL ALLEGATIONS**

6. Defendant is attempting to collect a consumer debt allegedly owed by Plaintiff to a third party (“the alleged debt”).

7. Plaintiff disputes the alleged debt.

8. On or about October 3, 2023, Plaintiff obtained his Experian credit disclosure and noticed Defendant reporting the alleged debt.

9. On or about October 9, 2023, Plaintiff sent a letter to Defendant disputing the alleged debt.

10. Defendant received Plaintiff’s dispute letter on or about October 23, 2023.

11. On or about November 22, 2023, Plaintiff obtained his Experian credit disclosure, which showed that Defendant last reported the alleged debt on November 15, 2023, and failed or refused to report the alleged debt as disputed, in violation of the FDCPA.

12. In the credit reporting industry, data furnishers, such as the Defendant, communicate electronically with the credit bureaus.

13. Plaintiff suffered pecuniary and emotional damages as a result of Defendant’s actions. Because Defendant failed or refused to report the alleged debt

as disputed, Plaintiff's credit score has been improperly depressed, making it harder for him to obtain employment, housing, and credit for his day-to-day needs. His credit report continues to be damaged due to Defendant's failure to correctly report the alleged debt as disputed. Plaintiff also has suffered emotional damages such as stress, anger, frustration, and other forms of emotional distress. Plaintiff also suffered physical harms such as loss of sleep and stress headaches from worrying about the harm to his credit caused by Defendant.

**VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT**

13. Plaintiff reincorporates the preceding allegations by reference.

14. At all relevant times, Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

15. Plaintiff is a "consumer" for purposes of the FDCPA and the account at issue is a consumer debt.

16. Defendant is a "debt collector" as defined by the FDCPA.

17. Defendant's foregoing acts in attempting to collect the alleged debt violated the FDCPA at 15 U.S.C. § 1692e(8) by reporting credit information which Defendant knew to be false, including the failure to communicate that a disputed debt is disputed.

18. Plaintiff has suffered harm at the hands of Defendant as this harm was one specifically identified and intended to be protected against on behalf of a consumer, such as Plaintiff, by Congress.

19. Defendant's failure and/or refusal to report the alleged debt as disputed in Plaintiff's credit files is humiliating and embarrassing to Plaintiff, as it creates a false impression to users of his credit reports that he has simply ignored the alleged debt when, in fact, he disputes its validity.

20. As a direct and proximate cause of Defendant's negligent failure to perform its duties under the FDCPA, Plaintiff has suffered stress, anxiety, frustration and other forms of emotional distress. Plaintiff also has suffered physical harms, including loss of sleep and stress headaches.

WHEREFORE, PLAINTIFF PRAYS that this Court grant him a judgment against Defendant for actual damages, statutory damages, costs, interest, and attorneys' fees as provided by the Fair Debt Collection Practices Act.

### **JURY DEMAND**

Plaintiff hereby demands a trial by jury.

Respectfully submitted,

Dated: December 18, 2023

/s/ Gary Hansz  
Gary Hansz  
Bar No. 534669

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